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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte ANTHONY AQUILA, EDWARD L. SCHRENK, PATRICK
COLE, THOMAS LYONS, DAVID GRIFFIN, MIKE MARSH,
CHRISTIAN HASSOLD, FREDRICK C. FISHER and CARLOS PORTAL

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Appeal 2009-009189
Application 09/825,604
Technology Center 3600

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Decided: June 15, 2010

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Before MURRIEL E. CRAWFORD, ANTON W. FETTING, and BIBHU R.
MOHANTY, *Administrative Patent Judges.*

MOHANTY, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 (2002) of the final rejection of claims 25, 73-78, 80-82, 84-89, and 91-93 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

SUMMARY OF THE DECISION

We REVERSE.

THE INVENTION

The Appellants' claimed invention is directed to a system for administering, tracking, and managing insurance claims processing. (Spec. 5-6). Claim 25, reproduced below[1] with some numbering in brackets added, is representative of the subject matter of appeal.

25. A computer comprising:

a processor; and

a memory, coupled to the processor and having computer program code embodied therein for enabling the processor to:

receiving data related to the insurance claim, the data comprising a plurality of data elements, a data element serving as an assignment criterion;

_____

[1] The Examiners Answer at pages 2-3 indicates that the amendment filed Oct. 20, 2008 has been entered. Accordingly, the claims subject to this Decision includes those entered amendments. The text of entered Claim 25 as amended on Oct. 20, 2008 is reproduced here (strike-through's and underlining of the text has not been included here).

[1] assign a score to first and second data elements of the plurality of data elements based on scoring rules, wherein each data element includes one or more data from the group consisting of policy information, vehicle information, number of vehicles involved, repair cost, number of parties involved, time of incident, and location of incident;

[2] determine an overall score of the insurance claim based on the assigned scores;

[3] determine a class of the insurance claim according to classing rules; and

[4] determine a type of assignee to whom to assign the insurance claim according to the application of business rules to the overall score of the insurance claim and the class of the insurance claim, wherein the business rules weight the class more highly than the score.

THE REJECTIONS

The Examiner relies upon the following as evidence in support of the rejections:

Loveland   US 6,810,383 B1   Oct. 26, 2004

The following rejections are before us for review:

1.   Claims 25, 73-78, 80-82, 84-89, and 91-93 are rejected under 35 U.S.C. § 102(e) as anticipated by Loveland.

THE ISSUES

At issue is whether the Appellants have shown that the Examiner erred in making the aforementioned rejections.

With regards to claim 25 and its dependent claims this issue turns on whether Loveland discloses claim limitation [1] as identified in the claim above. For the remaining claims, this issue also turns on whether Loveland discloses a claim limitation similar to [1] identified above.

FINDINGS OF FACT

We find the following enumerated findings of fact (FF) are supported at least by a preponderance of the evidence:[2]

FF1. Loveland has disclosed an automated task management and evaluation system (Title) for electronically managing the assignment of tasks to be completed (Abstract).

FF2. Loveland at Col. 14:3-14 discloses that a policy holder initiates claim processing and task assignment by filling out a claim form which could be Internet based with fields for claim data and also refers to Fig. 14.

FF3. Loveland at Col. 14:35-44 discloses that once claim data is entered project parameters are defined as illustrated in Figure 16. To determine the project parameters the claim data is analyzed to determine that the particular type of loss, such as a malfunctioning appliance, flood damage to a residence, fire damage, earthquake damage or some other loss. When initial project parameters have been established, process rules which have been defined may be applied to determine how claim processing will take place.

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[2] *See Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

FF4. Loveland at Col. 15:2-9 discloses that service history purchase history and other data items may be accessed to define project parameters and facilitate assignments.

FF5. Loveland at Col. 14:3-14, 14:35-44, and 15:2-9 fails to disclose assigning a score to first and second data elements of a plurality of data elements based on scoring rules, wherein each data element includes one or more data from the group consisting of policy information, vehicle information, number of vehicles involved, repair cost, number of parties involved, time of incident, and location of incident.

PRINCIPLES OF LAW

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Analysis of whether a claim is patentable over the prior art under 35 U.S.C. § 102 begins with a determination of the scope of the claim. We determine the scope of the claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004).

ANALYSIS

The Appellants argue that the rejection of claim 25 is improper because Loveland fails to disclose claim limitation [1] (Br. 8-10, Reply Br. 5).

In contrast the Examiner has determined that Loveland discloses claim limitation [1] at Col. 14:3-14, Col. 14:35-44, and Col. 15:2-9 (Ans. 7-8). The Examiner has determined that the final result of the project parameters being defined and rules applied to be "a form of overall score of the claim" (Ans. 8).

We agree with the Appellants. Claim 25 included limitation [1] which recites:

> [1] *assign a score to first and second data elements* of the *plurality of data elements* based on scoring rules, wherein *each data element includes one or more data from the group consisting of policy information, vehicle information, number of vehicles involved, repair cost, number of parties involved, time of incident, and location of incident*;

Loveland at Col. 14:3-14, 14:35-44, and 15:2-9 fails to disclose assigning a score to first and second data elements of a plurality of data elements based on scoring rules, wherein each data element includes one or more data from the group consisting of policy information, vehicle information, number of vehicles involved, repair cost, number of parties involved, time of incident, and location of incident (FF5). Note that Loveland's use of data fields (FF2) and project parameters (FF3, FF4) does not specifically disclose that the data fields or project parameters includes data from the group consisting of policy information, vehicle information, number of vehicles involved, repair cost, number of parties involved, time of incident, and location of incident (FF5).

For these reasons the rejection of claim 25 and its dependent claims is not sustained. Claims 73 and 84 a contain limitation similar to the one

addressed above and the rejection of those claims, and their dependent claims, is not sustained for the same reasons given above.

CONCLUSIONS OF LAW

We conclude that Appellants have shown that the Examiner erred in rejecting claims 25, 73-78, 80-82, 84-89, and 91-93 under 35 U.S.C. § 102(e) as anticipated by Loveland.

DECISION

Examiner's rejection of claims 25, 73-78, 80-82, 84-89, and 91-93 is reversed.

REVERSED

MP

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